

and penal institutions of the State, and such boards as have been, or may hereafter be established by law, may be composed of an odd number of three or more members who serve for a ~~hold their respective offices for the~~ term of six (6) years, with one-third, or as near as one-third as possible, of the members of such boards to be elected or appointed every two (2) years in such manner as the Legislature may determine; vacancies in such offices to be filled as may be provided by law, and the Legislature shall enact suitable laws to give effect to this section. *The Legislature may provide by law that a board required by this constitution be composed of members of any number divisible by three (3) who serve for a term of six (6) years, with one-third of the members elected or appointed every two (2) years.*

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the amendment to Section 30a, Article XVI, of this constitution, proposed by the 76th Legislature, that provides that the governing body of a state agency may be composed of an odd number of three or more members. This provision expires September 1, 2005.

(b) The legislature shall provide by law for the change in composition of the governing body of a state agency that is composed in accordance with Section 30a, Article XVI, of this constitution, as added in 1912, but that is not composed in accordance with the amendment to that section. Laws enacted by the legislature under this subsection shall provide that the change in composition into a form allowed under this constitution will take place not later than September 1, 2003.

(c) The governing body of a state agency composed in accordance with Section 30a, Article XVI, of this constitution, as added in 1912, but that is not composed in accordance with the amendment to that section, may continue to act as the governing body until a quorum of the members of the governing body who take office under a law adopted under Subsection (b) of this section have qualified.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to provide that a state board, commission, or other agency shall be governed by a board composed of an odd number of three or more members."

Passed by the House on April 22, 1999: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 18, 1999: Yeas 30, Nays 0.

Secretary of State

Filed with the Secretary of State May 19, 1999.

H.J.R. No. 36

A JOINT RESOLUTION

proposing a constitutional amendment permitting the conversion of separate property to community property.

BE IT RESOLVED BY THE Legislature of the State of Texas:

SECTION 1. Section 15, Article XVI, Texas Constitution, is amended to read as follows:

Sec. 15. All property, both real and personal, of a spouse owned or claimed before marriage, and that acquired afterward by gift, devise or descent, shall be the separate property of that spouse; and laws shall be passed more clearly defining the rights of the spouses, in relation to separate and community property; provided that persons about to marry and spouses, without the intention to defraud pre-existing creditors, may by written instrument from time to time partition between themselves all or part of their property, then existing or to be acquired, or exchange between themselves the community interest of one spouse or future spouse in any property for the community interest of the other spouse or future spouse in other community property then existing or to be acquired, whereupon the

portion or interest set aside to each spouse shall be and constitute a part of the separate property and estate of such spouse or future spouse; spouses also may from time to time, by written instrument, agree between themselves that the income or property from all or part of the separate property then owned or which thereafter might be acquired by only one of them, shall be the separate property of that spouse; if one spouse makes a gift of property to the other that gift is presumed to include all the income or property which might arise from that gift of property; ~~and~~ spouses may agree in writing that all or part of their community property becomes the property of the surviving spouse on the death of a spouse; *and spouses may agree in writing that all or part of the separate property owned by either or both of them shall be the spouses' community property.*

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1999. The ballot proposition shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting spouses to agree to convert separate property to community property."

Passed by the House on April 28, 1999: Yeas 144, Nays 1, 1 present, not voting; passed by the Senate on May 21, 1999: Yeas 30, Nays 0.

Filed with the Secretary of State May 24, 1999

H.J.R. No. 44

A JOINT RESOLUTION

proposing a constitutional amendment relating to the filling of a vacancy in the office of governor or lieutenant governor.

BE IT RESOLVED BY THE Legislature of the State of Texas:

SECTION 1. Sections 3a, 16, 17, and 18, Article IV, Texas Constitution, are amended to read as follows:

Sec. 3a. If, at the time the Legislature shall canvass the election returns for the offices of Governor and Lieutenant Governor, the person receiving the highest number of votes for the office of Governor, as declared by the Speaker, has died, *fails to qualify, or for any other reason is unable to assume the office of Governor*, then the person having the highest number of votes for the office of Lieutenant Governor shall *become* ~~act as~~ Governor *for the full term to which the person was elected as Governor* ~~until after the next general election~~. *By becoming the Governor, the person forfeits the office of Lieutenant Governor, and the resulting vacancy in the office of Lieutenant Governor shall be filled as provided by Section 9, Article III, of this Constitution. If* ~~It is further provided that in the event~~ the person with the highest number of votes for the office of Governor, as declared by the Speaker, *becomes temporarily unable to take office* ~~shall become disabled, or fail to qualify~~, then the Lieutenant Governor shall act as Governor *until the person with the highest number of votes for the office of Governor becomes able to assume* ~~a person has qualified for~~ the office of Governor ~~or until after the next general election~~. Any succession to the Governorship not otherwise provided for in this Constitution, may be provided for by law; provided, however, that any person succeeding to the office of Governor shall be qualified as otherwise provided in this Constitution, and shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

Sec. 16. (a) There shall also be a Lieutenant Governor, who shall be chosen at every election for Governor by the same electors, in the same manner, continue in office for the same time, and possess the same qualifications. The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant Governor.

(b) The Lieutenant Governor[,] shall by virtue of his office[,] be President of the Senate, and shall have, when in Committee of the Whole, a right to debate and vote on all questions; and when the Senate is equally divided to give the casting vote.